

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

**SENTENCING**

UNITED STATES OF AMERICA,	)	<b>COURT MINUTES - CRIMINAL</b>
Plaintiff,	)	
	)	
v.	)	Case No: Cr 09-349(2)DWF/SER
	)	Date: June 9, 2011
	)	Court Reporter: Jeanne Anderson
Mark S. Sutton (2),	)	Time Commenced: 2:04 p.m.
Defendant.	)	Time Concluded: 3:45 p.m.
	)	Time in Court: 1 Hour & 41 Minutes
	)	

Defendant's true name if different from charging instrument:

☐ Parties ordered to file stipulation or proposed order for name change.

☐ Clerk of Court is directed to change name to:

Before Donovan W. Frank, United States District Judge, at St. Paul, Minnesota.

**APPEARANCES:**

For Plaintiff: Robert Lewis

For Defendant: William Orth ☒ Retained

☐ **Evidentiary Hearing** (only select if witness list filed)

☒ **Sentencing.**

☐ Hearing held on objections to the presentence report.

**IT IS ORDERED:**

Defendant is sentenced to:

<u>Count. No.</u>	<u>Plea</u>	<u>Verdict</u>	<u>BOP</u>	<u>AG</u>	<u>SR</u>	<u>PROB</u>	<u>HA</u>
1		X	42 months		3 years		
2		X	42 months		3 years		
3		X	42 months		3 years		

All above terms to run ☒ concurrently

☒ Special conditions of :

**See J&C for special conditions**

☒ Defendant sentenced to pay:

☐ Fine in the amount of \$.

☒ Restitution in the amount of \$1,241,847.25 joint and several with co-defendant Joseph Finney.

☐ Costs of prosecution in the amount of \$ to be paid .

☒ Special assessment in the amount of \$300.00.

☐ Plea and plea agreement accepted.

☐ Execution of sentence of imprisonment suspended until.

☒ Defendant released pending execution of sentence of imprisonment on same terms and conditions as previously released.

☐ Execution of sentence of fine suspended.

☐ On Motion of the Gov't., the indictment in is dismissed as to this defendant only.

☐ Motion for departure is ☐ granted ☐ denied.

☐ Defendant remanded to the custody of the U.S. Marshal.

s/B. Schaffer  
Calendar Clerk